

REMARKS

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow.

Claims 1-2 and 4-6 are before the Examiner. Claim 3 has been cancelled. Claim 1 has been amended to include the subject matter of cancelled claim 3.

Acknowledgement of the claim for priority under 35 U.S.C. §119 and receipt of the certified copies of the priority document is noted with appreciation as is the acceptance of the drawings..

Return of the initialed copy of the PTO-1449 form is also noted with appreciation.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (4,651,564) (hereinafter Johnson). Applicants respectfully traverse.

For a reference to be anticipatory, it must teach each and every element required by the claim. The teaching may be express or implied.

Applicants have reviewed the reference and have found no disclosure of a polymer or of a "electrically conductive track" encapsulated within a polymer or of a "electrically conductive track" positioned between two polymer layers. The heater grids of Johnson are encapsulated in a thin film of dielectric layers preferably made of silicon nitride (col. 3, line 40-43). In contrast, the claimed carrier membrane comprising a polymer. Since a polymer carrier membrane is apparently not taught, expressly or otherwise, there is no anticipation. Withdrawal of the rejection is respectfully requested.

(10/375,106)

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson.

Applicants respectfully traverse.

The subject matter of claim 6 not only requires the subject matter of claim 1 including a polymer carrier membrane but also requires that the carrier membrane is secured to the housing at four points and has a slight sag.

The Examiner's comments regarding the obviousness addresses neither the selection of the polymer membrane nor its placement so that it is secured to the housing at four points. The Examiner merely addresses the "slight sag" limitation and asserts that it would have been obvious. This appears to be based on an "obvious-to-try" rationale. There is no disclosure of an equivalent structure or design need in Johnson. (A membrane made of silicon nitride shows a very large Young's modulus (modulus of elasticity) in a range of 100 GPa whereas a polymer membrane has a very small Young's modulus of 1 GPa. A macroscopic illustration of this feature is the difference between a plastic bag, which is always elastic, and a glass window, which is never elastic, even if it is very thin. As a result, the feature of claim 6 could never be attributed to Johnson's device.) Further, there is no disclosure of a problem in Johnson for which such a carrier membrane having a "slight sag" would be deemed a solution.

Further, to the extent that the examiner is relying on an express teaching of the carrier membrane being secured to the housing at four points or on the Doctrine of Inherency for such a teaching, Applicants have reviewed the Johnson reference and have been unable to locate the teaching. The Examiner's help in pointing out the teaching or the passage(s), which renders the presence of such a teaching a reasonable certainty, is respectfully requested.

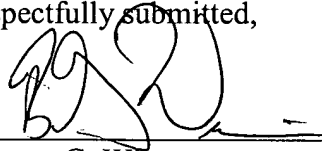
(10/375,106)

It is submitted, for the reasons stated above, that a proper prima facie case of obviousness has not been established. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,



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